

**DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. THOMAS AND ST. JOHN**

|                                   |   |                              |
|-----------------------------------|---|------------------------------|
| <b>UNITED STATES OF AMERICA,</b>  | ) |                              |
|                                   | ) |                              |
| <b>Plaintiff,</b>                 | ) |                              |
|                                   | ) |                              |
| <b>v.</b>                         | ) | <b>Case No. 3:19-cr-0065</b> |
|                                   | ) |                              |
| <b>SAMUEL ELIAS PENA COLUMNA,</b> | ) |                              |
|                                   | ) |                              |
| <b>Defendant.</b>                 | ) |                              |

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**ORDER**

**BEFORE THE COURT** is United States’ motion for transfer of evidence. (ECF No. 357.)

In its motion, the United States requests that all physical evidence admitted into evidence during the jury trial in this matter be designated as sensitive exhibits under Local Rule of Civil Procedure 39.1(b). *Id.* The United States further requests the return of such evidence to the custody of the Federal Bureau of Investigation (“FBI”) in order to “protect the evidence not only for purposes of appeal, but potentially for use in another prosecution...”. *Id.* at 2.<sup>1</sup>

Under Local Rule of Civil Procedure 39.1(b), “[s]ensitive exhibits, after submission into evidence, shall remain in the custody of the proponent or the appropriate agency during the trial of the case and for any appeal period thereafter. Such evidence includes, without limitation, narcotics, weapons, currency, and any other evidence designated by the Court as sensitive.” LRCi 39.1(b). The Court finds that the requested exhibits are sensitive exhibits under Rule 39.1(b), and thus should be returned to United States custody.

The premises considered, it is hereby

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<sup>1</sup> Specifically, the United States seeks the return of Exhibit No. 5, “Agent Spruill’s Tactical Vest”; Exhibit No. 32, “Autozone Receipt”; Exhibit No. 33, “Vehicle Registration”; Exhibit No. 34, “Glock style pistol, serial no. BGCZ408”; Exhibit No. 35, “AR style pistol, green in color, serial no. none”; and Exhibit No. 36, “Shell casings, 5 .40 caliber and 1 .223.” *Id.* at 2.

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Order

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**ORDERED** the United States' motion for transfer of evidence, ECF No. 357, is  
**GRANTED**; and it is further

**ORDERED** that the exhibits as specified in the United States' motion **SHALL** be  
designated as sensitive exhibits and returned to the custody of the United States.

**Dated:** October 26, 2022

/s/ Robert A. Molloy  
**ROBERT A. MOLLOY**  
**Chief Judge**